



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES (As amended)

CHARTER REVISION COMMISSION

September 25, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:35 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Nancy Bafundo – Chair (Exited meeting at 9:17pm)

Tony Boni

Peter Boorman

Robert Briggaman

Alan Nafis

Also Present

Mayor Jeff Wright

Atty. Justin Clark

Tanya Lane – Town Clerk

Town Manager Salomone

Ann Harter – Director of Finance

(Note: Verbatim comments indicated by *italics* unless otherwise noted.)

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen stated that while a ballot is inserted into a *voting tabulator*, a vote is still made on a *ballot*. She noted, regarding section 412– Removals and Suspensions that with the Town Treasurer and the Town Planner not appointed by the Town Council there are no other employee positions that are appointed by the Council and stated that reference to employment and compensation should be removed from that section. Mrs. Cohen inquired as to how it can be claimed that a mill rate increase above three-percent is due to budgeted proposed expenditures when it ignores the fact that the mill rate increase may be due to other factors included in the budget, many of which the Town does not control such as a decrease in non-tax revenue and/or a no-growth grand list. She noted that with the changing economy the Town may not always receive funds from the State that it currently depends upon. She indicated that there are also appropriations that the Council has no control over. She stated that in revaluation years, taxes are also affected by the assessed value of a home in relation of properties in Town. Mrs. Cohen stated that in addition to efficiently providing the services that Town residents need and want the Council must look for ways to provide a safety net for the Town's lower income residents and look for ways to help those who are less fortunate. She commented that there is a big difference between a budget referendum by petition and a budget referendum prompted by a cap that might not be what it appears to be. She remarked that nothing

Phone: (860) 665-8510 Fax: (860) 665-8507

townmanager@newingtonct.gov

www.newingtonct.gov

works better than responsible budgeting by an intelligent Town Council and Town Manager. Mrs. Cohen noted excerpts from the March 27 and May 8 meeting minutes: (remarks verbatim as read)

- Paul Featherston, former Town Manager: If the Commission should move in the direction of automatic referendum it is strongly suggested that the Commission considers having a minimum requirement for referendum turnout, and to limit the number of referendums. When a Town Manager is considering whether or not to serve a community one of the first items considered is a community's budget process. Having a budget referendum may limit the ability to recruit Town Managers or department heads.
- William Reynolds, former Mayor: The concept of referendum grows out of the concept of representative town government. Decisions are made by voters – not all voters are taxpayers and not all taxpayers are voters.
- Robert Randich, former Mayor: It is not a good idea to emasculate the Town Council by ripping the budget decisions out of their hands, particularly in the case of an automatic referendum. An automatic referendum without parameters is the worst situation.
- Tom McBride, former Mayor: Crafting the budget for a community is the biggest responsibility of any elected body. The average citizen will not have the time and patience to do what the Town government leaders are elected to do during the budget process.
- Rodney Mortensen, former Mayor: What could be more representative than allowing the Town residents to have a higher degree of control over their fate? He would not be in favor of an automatic referendum.
- Dominick Mazzocchi, former Mayor: He supports the referendum approach to government. If the government moves in the direction of a referendum it will be critical that the process be managed effectively and that proper controls are in place so that the process does not get out of hand. There should be some sort of minimum threshold to prevent a group of very few people from dictating the outcome of a very large process. He also has the opposite concern that too many people show up to vote who have not researched the budget and are not aware of the issues. The Town needs a framework, whether it is that there are a certain number of failures allowed or a certain percentage of voters needed. He would use a cap based on a CPI index rather than a set three-percent increase, as setting a fixed standard may be unrealistic. An annual budget - even a budget with no contention, should be voted on. A petition would be a good approach if the Town is reluctant to extend an automatic referendum. Newington is one of the best managed communities in the area and that all comes down to fiscal planning.
- Frank Connolly, former Town Manager: Referendums don't vote on budgets, they vote against taxes, and most people who vote at a referendum are voting on a tax rate rather than what is in the budget. Most people don't understand the dynamics of a budget. There is not a constituency for the Town Clerk, Zoning Enforcement, Building Official, etc. and he found that the votes and the political force in passing budgets are on the Board of Education side. There is no constituency for other departments such as the Building Department, but there is a vested constituency with people with children in the school system. (End of verbatim comments. Verbatim comments from this point forward are indicated by *italics* unless otherwise noted.)

Mrs. Cohen stated that the comments were from former Mayors and Town Managers who are the voice of experience. She inquired whether the comments are not worthy of consideration and discussion by the Commission.

V MINUTES

A 9-11-08 Meeting

Ms. Lane noted on page 4, under the section pertaining to the minutes of the 8-19-08 meeting, that Commissioner Briggaman had requested that under section 204 the phrase "vacancy will be filled" be changed to "vacancy will be unfilled". She stated that the correct statement was "vacancy will be filled" as originally written.

Commissioner Nafis noted that on the last line on page 15 his comment "the Commission is up against the wall" should read "the Commission is not up against the wall"

Commissioner Briggaman noted that on page 16, last paragraph the word "Cheater" should be changed to "Charter"

Commissioner Briggaman moved to accept the minutes as amended. Motion seconded by Commissioner Boni. Motion passed 5-0.

VI MATTERS TO BE CONSIDERED

A Speakers: John Salomone, Town Manager & Ann Harter, Director of Finance

Town Manager Salomone and Ann Harter, Director of Finance, addressed the Commission to answer questions and clarify previous comments and suggestions related to the Charter. Tanya Lane noted that there were specific questions pertaining to sections 407, 408 and 410 and noted questions regarding what constitutes an emergency, who has the authority to declare an emergency and whether it has ever been done. (Section 409).

Section 407 – Borrowing

Town Manager Salomone noted a recommendation to remove the phrase "tax anticipation notes" from the section.

Section 409 – Emergency Ordinance

Town Manager Salomone explained that the controlling phrase is "the immediate preservation of public peace, health and safety" and stated that the Town Manager would call for emergency order if there was a physical emergency, such as a flood. He noted that the Town Manager is the chief emergency operations person, and stated that the Town Manager would call the emergency, and would call the Council into emergency session. Town Manager Salomone indicated that he has not had to call an emergency situation in Newington but explained that he's had to do so in his past experience such after a tornado hit Watertown in the 1990's. He stated that emergency appropriations were needed to clear debris, and the Town had to advance fund balance until the Town received reimbursement from FEMA about a year and a half later. He explained that while the language is tied to health and safety, it also pertains to financial needs during an emergency situation and recommended that the language be left as-is.

Section 408 – Obligatory Referendum and Ordinance

Ms. Lane noted questions about the \$125,000 being increased to \$250,000 and the \$325,000 being increased to \$650,000. Commissioner Nafis noted that the Commission had looked at doubling the figures but inquired whether there is a value that would help the Town better operate. Ann Harter replied that she had recommended the increases as noted and stated that the Town can work well within those numbers. She indicated that the Town has rarely gone for a special appropriation for \$125,000. She stated that she would be concerned about adding a rate of increase to the numbers, as it could be confusing. She recommended a fixed number. Town Manager Salomone stated that the \$650,000 is the key number as it gives the Town some flexibility and indexes inflation. He stated that the intent is not to go overboard with the number, and the intent is to still have a referendum for major expenditures. He stated that the \$650,000 gives the Town enough flexibility to perform moderate capital improvements. Commissioner Briggaman stated that the increase more than covers the rate of inflation over the past sixteen years.

Section 708 – Purchasing Agent

Commissioner Bafundo noted that the Commission had discussed moving the Purchasing Agent from under the Department of Finance to under the Town Manager. Town Manager Salomone stated that in practical terms the Purchasing Agent does currently report to the Town Manager. He stated that he likes the idea of separating the Purchasing Agent from the Finance Department because it creates a tighter control and a better system of checks and balances. He concurred with the idea of moving the Purchasing Agent.

Section – 609 – Town Treasurer

Ms. Lane noted the Commission's discussion regarding making the Town Treasurer the same position as the Director of finance and noted that there was some confusion as to who would like to sign the checks. Ms. Harter replied that she spoke with the auditors and was assured that the change would not cause a problem in signing the checks. She stated that the checks can still have a dual signature but the Charter does not need to

dictate who signs the checks. She stated that it is more of an internal control issue and stated that the auditors do not see a problem with having the Director of Finance and Town Treasurer be the same person.

Section 702 – Highway Department and Engineering

Commissioner Bafundo noted that the Commission had discussed splitting the two departments in the Charter in order to clarify the separate roles of each department. Town Manager Salomone stated that there is a lot of language in the Charter that restricts his ability to change the table of organization. He concurred with the recommendation of splitting the two departments and suggested adding language regarding the *table of organization as recommended by the Town Manager and approved by the Council at the time of the budget*. He stated that this is what happens in reality. Town Manager Salomone noted that the Director of Facilities is not included in the Charter and indicated while it may not need to be in the Charter there should be an omnibus type of provision in which the Town Manager with the concurrence of the Council can make changes necessary to the table of organization. He stated that he is currently limited in his flexibility to do so. Atty. Clark noted that such language may solve some consistency problems in the language. Town Manager Salomone recommended looking at language in sections 701 – 708 in regards to giving the Town Manager the flexibility to make organizational changes with checks and balances as necessary. Commissioner Bafundo noted that the Commission had discussed the language inconsistencies among the sections regarding how the various positions are filled and removed. Town Manager Salomone stated an example of possibly wanting to have the Building Inspector report to a different department or sub-agency at some point. Commissioner Nafis inquired whether the Town Manager is suggesting language allowing the Town Manager *to do all these things without identifying who the different department heads are going to be and basically leaving the language so that you can do whatever you want. Do you want us to still identify the different departments?* Town Manager Salomone replied that the current system is very inflexible towards changing the table of organization. Commissioner Nafis stated that another way of doing it would be to identify what we know now and giving the Town Manager the ability to... (Several people speak at once.) Atty. Clark stated that the Charter can give the Council the ability to change the organizational chart based on the recommendation of the Town Manager. He stated that it can be one omnibus piece of language that authorizes the Council to establish... (Several people speak at once.) Commissioner Bafundo noted that there is no language in the Charter that recognizes the organizational chart. Town Manager Salomone noted that there are current Town departments that are not in the Charter that do report to the Town Manager. Commissioner Bafundo stated that the Town Manager identifies how the report is structured and set with the approval of the Council. Town Manager Salomone remarked that he would not want to have a Charter revision just to make any changes to departments (such as adding a Human Resources department). Commissioner Bafundo inquired as to which sections are restrictive. Town Manager Salomone replied that sections 702, 703, 704, 705 are restrictive and section 706 is restrictive because it is a very narrow function. Commissioner Boorman stated that it would be simple to add preamble language under the Town Manager section that would show it is not exclusive. He stated that it would be simple to create checks and balances by requiring approval by the Town Council. He requested that Atty. Clark and the Town Manager sit down to draft language on the item. Town Manager Salomone agreed that it does not need to be complicated and agreed that there could be some enabling language added that would allow for flexibility.

Section 605 – Board of Parks and Recreation

Town Manager Salomone noted that he concurs with the recommended language changes that the Parks and Recreation Director should be appointed by the Town Manager as the position reports to the Town Manager. He stated that the Board should have input on the appointment.

Town Manager Salomone noted language on page 15 of Version 4 of the Charter amendments that states ‘(“Budget Ordinance”)’ is not modifying this Charter. Atty. Clark replied that it is referring to the adoption of the budget as provided by the Charter. Town Manager Salomone remarked that this may not be the correct spot for the language, and noted that he always thought that the *brackets after the word would be modifying or illuminating the previous phrase, such as this Charter/Budget Ordinance*. Commissioner Boorman noted that the language is cumbersome and subject to more than one interpretation and requested that Atty. Clark look at the language. Ms. Harter inquired as to why the word “ordinance” is being used rather than “referendum”. Town Manager Salomone stated that there is some confusion and many people call it the *budget resolution*. He stated that other towns may call it the budget ordinance, but he has not heard that phrase used here. Commissioner Boorman stated that the language in section 821 should be consistent with the language in section 805. Ms. Harter noted that while the budget process includes public hearings, the Council uses the resolution format to pass the budget. Commissioner Boorman indicated that there is a legal difference

between the terms “resolution” and “ordinance” and requested that Atty. Clark align the language to be consistent with section 805.

B Discussion of Proposed Language for Charter Revision Re: Sections 801 – 1005 or Other Sections of the Charter as Time Allows

(Note: the agenda contained a typo. The sections to be discussed by the Commission in this section included sections 801 – 1005, not sections 805 – 1005 as indicated on the agenda)

Article VIII – Financial Provisions

Section 801 – Fiscal Year

There were no recommendations regarding this section, and no changes made by the Commission.

Section 802 - General Form of Budget Preparation

Town Manager Salomone noted that language in section 802 may be useful in regards to the table of organization language.

There were no recommendations regarding this section, and no changes made by the Commission.

Section 803 – Departmental Estimates

Commissioner Briggaman noted comments by Town Manager Salomone regarding changing the dates in this section to accommodate a budget referendum. Town Manager Salomone elaborated that the dates need to be revised to coincide with having a budget referendum and meeting the goal of having the budget approved so that it doesn't overly restrict the new fiscal year authorizations. Atty. Clark referenced the recommended time schedule as outlined on page six of the August 19 Charter Commission meeting minutes. Commissioner Briggaman noted that the changes have not been reflected in section 803. Mayor Wright stated that it would make sense to introduce those changes to section 803. Town Manager Salomone noted that sections 803 – 805 all include time requirements. Commissioner Boorman noted table III included in a memo from the Town Manager dated August 15, 2008 and recommended that the table be used for guidance when amending the language in section 803. He inquired how the required 150 days before the end of the fiscal year for the department heads to submit their budgets would fit into section 803. Ms. Harter replied that it would still work. Commissioner Boorman inquired whether the 120 days required of the Board of Education would still work. Ms. Harter replied in the affirmative. Commissioner Nafis noted that table IV of the memo shows the details of the modifications. Commissioner Boorman noted that table IV deals with two failed referendums while table III deals with two referendums. Town Manager Salomone remarked that you have to go with the worst case scenario. He suggested using dates on table IV. Commissioner Boorman indicated that in section 803 the dates will need to be changed from 150 days to 180 days and 120 days to 135 days. Town Manager Salomone commented that the Town's ultimate goal is to have a budget in place by July 1. Ms. Harter stated that department heads generally have their budgets prepared by January 1. The Commission agreed by consensus to make these changes to section 803.

Section 804 – Duties of the Manager on the Budget

Commissioner Boorman stated that the 105 days in this section will need to be changed to 122 days. Atty. Clark stated that the ten days will stay the same. The Commission agreed by consensus.

Section 805 – Duties of the Council on the Budget

Commissioner Boorman stated the 15 days will need to be changed to 10 days for the first public hearing and the 30 days will need to be changed to 20 days for the second public hearing. The Commission agreed by consensus.

Section 806 – Effect of Adoption of Town Budget

There were no recommendations regarding this section, and no changes made by the Commission.

Section 807 – Special Appropriations

There were no recommendations regarding this section, and no changes made by the Commission.

Section 808 – Transfer of Appropriations

Recommendation: to add additional section to clarify that transfers may occur at any time of the year, except for those governed by statute. (Ann Harter, Director of Finance)

Commissioner Bafundo requested a language recommendation for the section. Commissioner Briggaman noted Ms. Harter's comments in which she had requested clarification for transfers of reserved funds in public accounts, as State statute allows for transfer at any time. Commissioner Boorman requested that Ms. Harter and Atty. Clark work on proposed language for that section.

Section 809 – Effect of Appropriation

Commissioner Briggaman noted a comment from the Town Manager concerning the last sentence of the section regarding the Board of Education setting up its own system of budget control. He stated that there had been some consideration of combining the positions and how doing so would affect the Board of Education. Town Manager Salomone stated that he doesn't know why the language is needed because the other part does not restrict it. Commissioner Briggaman noted comments from the 5/22/08 minutes: *Ms Harter replied that that there are always questions about looking at the Board's budget and transferring from the Board's budget. Town Manager Salomone stated that although he is not recommending it at this time there are towns in which the same person serves as both the Finance Director and the Business Manager, and stated that he is unsure whether this language will prohibit that from happening should such a change be desirable in the future.* Town Manager Salomone indicated that his statement still stands. Commissioner Boorman noted that the key phrase in the language is that the *Board of Education has independent statutory authority to do what they are doing. So if the Town wanted to consolidate they would have to agree to that.* He stated that although this language may be a little bit cumbersome he feels that it is effective in terms of recognizing the fact that the Board of Education has its own system of budgetary control and while there is nothing that prevents the Board from joining with the Town if desired the Town cannot force the Board to do so. Mayor Wright stated that the language works as-is. The Commission agreed by consensus to keep the language unchanged.

Section 810– Lapse of Appropriation

There were no recommendations regarding this section, and no changes made by the Commission.

Section 811– Borrowing to Meet Emergency Appropriations

There were no recommendations regarding this section, and no changes made by the Commission.

Section 812– Borrowing in Anticipation of Taxes

There were no recommendations regarding this section, and no changes made by the Commission.

Section 813 – Notes Redeemable Prior to Maturity

Commissioner Boorman requested an explanation as to the meaning of this section. Atty. Clark explained that there is a prohibition on bearer paper.

There were no recommendations regarding this section, and no changes made by the Commission.

Section 814 – Competitive Bidding

Recommendation: Update \$10,000 level for competitive bidding. (Various)

Commissioner Briggaman noted that the current \$10,000 level compounded at three-percent over sixteen years equals \$16,000 and commented that based on that \$20,000 seems like a good number. Mayor Wright stated that raising the number to \$20,000 is consistent with the doubling of the other limits in previous sections. Town Manager Salomone stated that Ms. Harter is more conservative and would like to make the number a fixed \$20,000 whereas he would like to see the number adjusted by inflation. He concurred that the current \$10,000 is way too low. Commissioner Boorman stated that the \$20,000 is conservative and inquired if it is enough. Ms. Harter stated that she would prefer to have a conservative, fixed number. Town Manager Salomone replied that he is a bit more liberal because he sees from an operational standpoint that going out for bids can often cost the Town time and money. He indicated that a conservative number would be a positive because it would not give too much free reign and he recommended raising the number to \$25,000. Commissioner Bafundo asked what other area towns use for limits. Ms. Harter stated that she will find out. Commissioner Boni stated that the \$25,000 number is reasonable. The Commission agreed by consensus to raise the number to \$25,000 for the time being until more information is gathered. Atty. Clark indicated that some town charters do not include limits. Commissioner Briggaman indicated that Rocky Hill currently has a \$150,000 limit and Wethersfield has a \$200,000 limit (**pertains to Section 814 – see Minutes of 10-7-08**).

Section 815 - Contracts for Public Works

Town Manager Salomone noted that language in this section should be made consistent with other sections. He also noted that technology is constantly changing and the role of the newspaper is becoming more blurred

and recommended that the Commission consider changing language to allow more flexibility with legal notices. Mayor Wright suggested using State guidelines. Commissioner Boorman replied that the State is in the process of updating its technology to fit in with the realities of the world, and stated that the State does not have a finalized version of the statutes regarding technology and public notices. He stated that the phrase "and/or in conjunction with Connecticut State statutes" could be added to the existing language. Town Manager Salomone commented that the Town could possibly see the use of electronic bulletin boards in the future. Commissioner Boorman stated that there should be physical notices placed on the Town bulletin boards as well as on the Town website. Commissioner Bafundo noted that the language could state, "posted on Town bulletin board(s)" to account for both physical and electronic bulletin boards.

Commissioner Nafis noted the language "The purchase or contract shall be let to the lowest responsible bidder, or all bids or proposals shall be rejected" and inquired whether that language makes sense. He remarked that the Town does not necessarily have to throw all of the bids out if it doesn't take the lowest responsible bidder. Town Manager Salomone replied that the key term is "responsible" and stated that it doesn't have to be the lowest bidder, only the lowest responsible bidder. Commissioner Nafis inquired whether the term "lowest responsible bidder" means that if the lowest responsible bidder does not want to take the job that all of the remaining bids must be thrown out. Town Manager Salomone replied in the negative. Commissioner Nafis stated that he understands the concept of lowest responsible bidder and again questioned whether all other bids must be thrown out if for some reason the lowest responsible bidder is not awarded the contract. Commissioner Boorman stated that if the lowest responsible bidder withdraws under certain circumstances the Town can move on to the next lowest responsible bidder. Town Manager Salomone concurred. Commissioner Nafis remarked that there can only be one lowest responsible bidder. Commissioner Boni noted that there could be a situation in which there are no responsible bids received in which case all bids are thrown out and the process starts again. Commissioner Nafis stated that if the lowest responsible bidder does not want the contract for whatever reason then the other bids should not be thrown out. Commissioner Boorman indicated that the phrase "lowest responsible bidder" has been in place under the law for many years and there are many case laws associated with the definition of the phrase. He stated that if the Commission wishes to change the language then Atty. Clark will need to do some research on the topic and he suggested keeping the language as-is. He cautioned that it is an area that has seen a lot of litigation, and stated that there has been some argument over whether a lowest bid is a responsible bid. Commissioner Briggaman agreed with Commissioner Nafis that the language is confusing. Mayor Wright stated that the language has worked well for many years and suggested leaving it as-is. Commissioner Boorman agreed that the Commission could leave it pending more information from Atty. Clark and Jeff Baron. Commissioner Nafis indicated that his point is that he wants to make sure that the Town has the ability to go to the next lowest responsible bid if the lowest responsible bidder does not take the job.

Section 816 – Payments of Claims

Ms. Harter noted that checks are countersigned by the Town Treasurer and remarked that the same person can't sign the checks twice. Commissioner Boorman inquired whether having the same person serve as both Town Treasurer and Director of Finance reduces the number of checks and balances in the system. Atty. Clark stated that in this instance the Town just needs to find someone else to countersign the checks. Ms. Harter stated that the Director of Finance will designate a cosigner. She stated that she will check with the auditors to research the item.

Section 817 – Fees Collected by the Town Officials and Employees

Commissioner Boorman noted that the witness fee paid to police officers for attending to subpoenas in court is only a couple of dollars.

There were no recommendations regarding this section, and no changes made by the Commission.

Section 818 – Official Bonds

Recommendation: to review ambiguous language regarding "agent of the town deposit fund" (Ann Harter, Director of Finance)

Town Manager Salomone inquired whether the language is in the State statutes. Atty. Clark replied that it may have been in the statutes in the past, but indicated that he could not find the language during a search of current statutes. Commissioner Boorman requested that Atty. Clark contact other area Town Managers and Town Attorneys for more information.

Section 819 - Penalties for Violation of Any Provision of This Charter

There were no recommendations regarding this section, and no changes made by the Commission.

Section 820 – Annual Audit

There were no recommendations regarding this section, and no changes made by the Commission.

Article IX

Section 901 – Merit System, Section 902 – Classified Service, Section 903 Personnel Director

Commissioner Boorman suggested that the Commission invite Labor Attorney Ken Plumb to speak to the Commission on the language in these sections and for his suggestions regarding the language.

Section 904 – Prohibitions

Commissioner Boorman noted that the last sentence in this section, “Any employee in the classified service shall take a leave of absence from the service of the town after becoming elected to any public office in the Town of Newington in accordance with Connecticut General Statutes” is obsolete and stated that per State statute the Town can no longer prohibit classified employees from running for election. Mayor Wright suggested changing the language to be in accordance with State statutes. Atty. Clark recommended eliminating the last sentence of that section. The Commission agreed by consensus.

Section 905 – Retirement

Recommendation: to update the language to not reference the CMERF. (John Salomone, Town Manager) Town Manager Salomone stated that there is no reason to have a reference to Connecticut Municipal Employee’s Retirement Fund (CMERF) in the Charter. Commissioner Boorman inquired as to the reason for the suggestion. Town Manager Salomone stated that CMERF does not need to be specified. Commissioner Boorman inquired whether the Town can still participate without the specification in the Charter. Town Manager Salomone replied in the affirmative. Commissioner Boorman requested that Atty. Clark check into the language and remarked that it may be there for a reason but if it is superfluous it should be removed. Commissioner Briggaman inquired whether CMERF is currently being utilized in the Town. Town Manager Salomone replied in the negative.

Section 906 – Conflict of Interest

Commissioner Boorman noted that the language is not followed often and explained that while disclosures are supposed to be made in writing, in reality they are generally made orally. He also noted that the written disclosures should also be included in the minutes and stated that he does not think there is any way to change the language. Commissioner Bafundo inquired why the disclosures must be made in writing as opposed to orally. Town Manager Salomone stated that it does become written when the oral comments are included in the minutes. Commissioner Boorman requested an opinion from the Town Attorney. Ms. Lane inquired whether the ethics form would take care of the requirement. Commissioner Bafundo stated that unless there is a specific reason she would prefer to have the disclosures made orally and have them included in the minutes for the record.

Article X - Miscellaneous

Section 1001 – Effective Date

Town Manager Salomone noted that there is a time element involved with the budget process, which may already be in process once the Charter referendum process is complete, depending on when the Charter revision process moves to referendum. Atty. Clark explained that under State statute the Commission or the Town Council can set the effective date for when the amendments become effective. He suggested that this section be addressed at the very end of the process. The Commission agreed by consensus.

Section 1002 – Existing Laws, Ordinances, Rules and Regulations and Special Acts

There were no recommendations regarding this section, and no changes made by the Commission.

Section 1003 – Transfer of Records and Property

There were no recommendations regarding this section, and no changes made by the Commission.

Section 1004 – Amendment

Commissioner Bafundo inquired whether there is any desire to set a mandatory date for Charter review. The Commission did not have such a desire.

There were no recommendations regarding this section, and no changes made by the Commission.

Section 1005 – Severability

There were no recommendations regarding this section, and no changes made by the Commission.

(The Commission requested a break at 8:10pm. The meeting resumed at 8:20pm)

C Discussion – Section 613 – Terms of Office and Vacancies

Commissioner Boorman explained that this section refers to holdover status on boards and commissions and goes back to his opinion as Town Attorney several years ago. He noted that current Town Attorney Ancona quotes a Supreme Court case and indicates in his opinion that Commissioner Boorman's opinion is correct. Commissioner Boorman expressed confusion over a July 28, 2008 letter from Town Manager Salomone which states, in part: *"Therefore, unless there is a contrary provision in the Newington Town Charter holdover members of commissions shall be de facto officers until such time as a replacement appointment is made. I have suggested the following language to the Charter Commission in an effort to resolve the issue of holdover status."* Commissioner Boorman remarked that he was unaware that the Town had an issue with holdover. He noted a May 29, 2008 letter from Town Manager Salomone asking for an opinion from Atty. Ancona which states, in part: *"Over the years there have been a number of members of various boards and commissions who have not been reappointed but based on Attorney Boorman's advice have continued to be shown as a de facto member until they either resigned, are replaced, otherwise can no longer serve. Would you please research this issue and provide your comments?"* Commissioner Boorman noted that he does not read by that request anything that says that the issue of holdover status is an issue that needs to be resolved. He explained that in the past there have been situations with the ZBA and TPZ in which there were appointments to empty slots on the boards for a period of time and it became problematic because the board was not able to reach a quorum. He noted that a quorum is required to hold a meeting and to conduct business. He stated that it has nothing to do with party affiliation; it is intended to assure that these boards can continue to function and move forward with their work. Commissioner Boorman stated that holdover has helped many commissions function and remarked that he does not know of anyone that has had a problem with that. He stated that it is not a matter of right for the de facto person to say that they are allowed to remain on the commission – because he or she is out as soon as the appointment is made. Commissioner Boorman stated that if an appointment is not made for whatever reason then the commission can still have a quorum and conduct business. He suggested adding language that *they serve until their successor is appointed and qualified*, which will allow for de facto membership of boards and commissions. He stated that the de facto position is over once an appointment is made so it is not a political issue. He indicated that allowing de facto memberships has allowed the ZBA to meet many times over the years. Atty. Clark indicated that he believes the Town Manager's concern is in regards to how the Town's computer system handles holdover status. Commissioner Boorman stated that the Town Manager's office maintains a flowchart that keeps the information regarding de facto members up to date. Ms. Lane stated that the Town has installed a new computer system to keep track of board and commission memberships and vacancies stated that the software does not have a provision to account for de facto members. Commissioner Boorman remarked that it is more important to make sure that the boards and commissions function properly, even if this means keeping hand-written records rather than computerized records of de facto members. Mayor Wright agreed that the boards and commissions do need to function and noted that there are currently some boards and commissions that do have de facto membership. Commissioner Boorman suggested including language that allows for de facto membership. Commissioner Briggaman inquired whether de facto memberships could cause either party to not appoint a new member of a commission knowing that the de facto member can just stay on. Mayor Wright stated that while there are some exciting boards and commissions that do not have a problem finding membership, there are others that are more esoteric or more technical and are much more difficult to fill. Commissioner Boorman remarked that he does not believe that de facto membership is a disincentive to filling spots because filling the positions looks good on that party's roster.

Commissioner Bafundo noted that there is no language in the section regarding membership participation and no language that addresses members that do not attend meetings. Mayor Wright inquired whether there could be language added that an appointee can be removed if he or she misses more than three meetings without written excuse. Atty. Clark stated that doing so might be tricky because the statutes for State statute-required boards and commissions do not include provisions for removal. He stated that he would look into the item. Commissioner Bafundo noted that it is a problem especially for more specialized commissions that are difficult to fill. Commissioner Nafis stated that there are provisions in the *information guides for committees* that

members should attend at least 66% of meetings and the commission is supposed to report attendance. Mayor Wright stated that the Town can scold someone but it cannot remove someone. Atty. Clark stated that he will research the item.

Recommendation: to review consecutive term as chair requirements. (Paul Featherston, former Town Manager)

Commissioner Nafis inquired whether “term” refers to the term of the appointment or the one-year chairperson’s term. Mayor Wright suggested defining “term” as the length of the appointment. Commissioner Nafis explained that chairpersons are voted in yearly, so the term of the chair on a commission is one year, and remarked that it is inefficient to not allow a person to serve as chair of a commission for more than two years. Mayor Wright suggested setting a hard limit to the number of years a person can serve as chair. Commissioner Nafis stated that two years is not enough and stated that it is good to have an experienced person serve as chair of a commission. Mayor Wright suggested that since the average appointment length to a commission is four years then the limit should be the length of two appointed terms: eight consecutive years. Commissioner Boorman suggested that the language read, *“No person shall serve more than eight consecutive years as the chairperson of any appointed board or commission.”* The Commission agreed by consensus.

Recommendation: to require more full-service of terms. (William Reynolds, former Mayor)

Atty. Clark explained that the concern was with board and commission members not showing up for meetings and also members resigning in the middle of their term. Commissioner Briggaman stated that the Town cannot force a member not to resign. Commissioner Boorman stated that resignations are simply replaced.

Commissioner Boorman noted language under subsection D that states, “A person chosen to fill a vacancy as chairperson shall be deemed to have served a full term...” and noted that the language would have to be changed. Commissioner Bafundo inquired whether the language is even needed. Mayor Wright stated that the language is moot since the Commission set a hard eight-year limit. Commissioner Boorman stated that the clock starts when a commission member becomes chair. The Commission agreed by consensus to eliminate the language.

D Discussion—as time allows, follow-up on questions related to other sections of the Charter that have been previously discussed.

Atty. Clark explained that any recommended changes involving numbers are entered into the chart of recommendations and any recommended language changes are included at the end of the chart. He noted that since the Commission has finished its initial review of the entire charter he will include all recommended changes in the next version of the recommendations document. Commissioner Boorman inquired how the document will be presented. Atty. Clark stated that the Commissioners will receive an original version of the Charter, a copy of what the Charter will look like with all of the changes and a redline version for comparison.

Section 706 - Department of Senior and Disabled Center Services

Ms. Lane noted a recommendation that the Director “shall supervise the department and shall have such powers and duties as the Council may prescribe and as conferred by the Connecticut General Statutes” and stated that the Director of the Department of Senior and Disabled Center is concerned that the language has not been brought forward. Commissioner Boorman stated that his notes indicate that the Commission plans to move forward with the language. The Commission agreed that the language should be included in the section.

Commissioner Briggaman noted that there are several sections that are being researched by Atty. Clark. Atty. Clark updated that Commission on his research:

Section 601 – Town Planning and Zoning and Section 602 – Zoning Board of Appeals

Atty. Clark noted that he inserted language in the chart with statutory language regarding the TPZ that states that “The number of such members and the method of selection and removal for cause and terms of office shall be determined by ordinance, provided no such ordinance shall designate the legislative body of such municipality to act as such zoning commission...” and explained that the Town can decide by ordinance the method of selection and removal, the terms of office and the number of members to serve on the TPZ. Atty. Clark stated that the statutory language regarding the ZBA is a little bit different and states, “In each

municipality having a zoning commission there shall be a zoning board of appeals consisting of five regular members and three alternate members, unless otherwise provided by special act..." He stated that the Charter language in sections 601 and 602 is in compliance with the State statutes and stated that the only difference is that the ZBA does not have any discretion to change the number of members. Commissioner Nafis inquired about the five-year term of the ZBA versus the four-year term of the TPZ. Atty. Clark replied that the State statutes do not provide term lengths; term lengths are set by the Charter. Commissioner Briggaman inquired why the term lengths are inconsistent. The Commission agreed not to change the term lengths of the ZBA and the TPZ.

Section 603 – Library Directors

Atty. Clark stated that the correct term in this section is "Board of Trustees"

Section 609 – Town Treasurer

Atty. Clark noted that there are no statutory restrictions against having the Town Manager or the Director of Finance serve as Town Treasurer. He stated that there are no restrictions on qualifications for the position.

Section 701 – Town Clerk

Commissioner Briggaman noted that Atty. Clark was to check the statutes and work on the language regarding the section. Atty. Clark replied that the recommendation was to change the language to have the Town Manager set pay and appoint the duties for the Town Clerk. He noted that page 19 of the revisions document includes the proposed language.

Section 702 - Highway Department and Section 703 – Engineering Department (proposed)

Commissioner Boorman noted that the revisions document contains these two departments as separate sections as recommended by the Commission. Atty. Clark noted that doing so will push all of the subsequent numbers in Article VII back as it makes sense to keep the sections regarding the two departments together rather than placing the Engineering Department at the end of that Article.

Section 704 – Department of Building Inspection

Atty. Clark stated that language in this section is forthcoming as he is working with Town Planner Ed Meehan on the language changes.

Section 303(A)(1) – Town Attorney

Mayor Wright noted previous discussions regarding the Board of Education's ability to obtain its own legal counsel if necessary. He stated that he spoke to Dan Carson, Chair and the Board and Dr. Perlini, Superintendent of Schools and both feel very strongly that the Board should have the ability to obtain separate legal counsel. Mayor Wright suggested leaving the current language as-is. Commissioner Boorman stated that he doesn't have a problem with leaving the language as-is but remarked that it is a problem that will come up again. Atty. Clark stated that due to statutory language the Board would probably have the ability to do so regardless of the Charter language.

Section 202(A) – Board of Education

Commissioner Bafundo inquired whether there has been any response to the question about non-professional personnel vs. non-certified personnel. She noted that there are many certifications; even school nurses are certified. She inquired whether "non-certified" is the correct term. Atty. Clark replied that the labor counsel he spoke with have indicated that the term "non-professional" is a clear term. He stated that the term "non-professional employees" refers to bargaining units within schools. Mayor Wright requested that Atty. Clark run the issue by Atty. Plumb. Ms. Lane explained that all certified employees are hired by the Board of Education and their contracts are negotiated by the Board and non-certified/non-professional employees are hired under the administrative technicians' union with a contract agreement with the Town. She noted Dr. Perlini's suggestion that the term "non-professional" be changed to "non-certified". Atty. Clark stated that he would consult Atty. Plumb about the language.

Section 202(B) – Board of Fire Commissioners

Commissioner Boorman noted comments by a member of the public at the prior meeting regarding the situation of having one person serve as both the Fire Marshall and the Fire Chief. Commissioner Briggaman noted that the Town of Rocky Hill prohibits the same person from serving as both Fire Marshall and Fire Chief. Commissioner Boorman noted that there are several towns that prohibit the same and requested that Atty.

Clark research the issue. Mayor Wright stated that in discussing the situation with various people he has learned that there are pros and cons with the situation and noted that while the current language does not prohibit the same person from holding both positions it also does not require that the same person hold both positions. He stated that the current language allows for flexibility. Commissioner Nafis noted that most of the people he has spoken to believe that it is not a good idea for the same person to hold both positions because when the Fire Marshall reports on a scene the report goes to the Fire Chief, which can create a conflict of interest. He noted that the Fire Marshall does have other duties that have nothing to do with the Fire Department. Commissioner Bafundo stated that she has given the issue much thought and inquired whether the Charter is really the place to address the issue. She stated that there are many other potential issues and conflicts that are not addressed in the Charter because these items have not been a recent issue. She stated that she is not entirely convinced that the Charter is the proper mechanism to address the problem. Commissioner Bafundo agreed that while there may be a conflict she is not sure that the Charter is the place to fix it. Mayor Wright stated that while he has heard opinions about potential conflict of interest he also understands that the Chief is not a paid position and the Fire Chief is a paid position and also noted that there are several Town employees that also serve as volunteer firefighters which brings a lot of value to the Fire Department. Commissioner Nafis expressed concern about the conflict issue and stated that he is unsure whether the Charter is the proper place to address the issue. Commissioner Boorman requested that Atty. Clark research the issue in regards to language in other towns' charters and requested that anyone who has concerns about the issue come to speak to the Commission. He stated that the general thrust of the Commission's work so far has been "if it ain't broke don't fix it" and remarked that unless the Commission is convinced that something is broken he does not feel that the Commission wants to make any changes to the Fire Department that has served the Town so very well over the years. The other Commissioners agreed. Mayor Wright stated that the number of volunteer recruits is up significantly and remarked that the Fire Department works as it is now and is one of the Town's biggest assets. Commissioner Boorman stated that the Fire Marshall reports to the State Fire Marshall and the Fire Chief reports to Board of Fire Commissioners and has been historically supervised by the Town Manager. He remarked that the Board of Fire Commissioners serves a valuable function, as it is an appeals board that is above and beyond the Fire Chief. He again requested to hear other opinions on the issue and stated that he doesn't want to change the structure if there is not a problem. Commissioner Briggaman stated agreement with Commissioner Nafis that there is a conflict of interest with the Fire Marshall and the Fire Chief being the same person. Commissioner Boorman stated that he needs to be more educated about both issues and he needs to know why people think the Charter Commission should take action on the items. Commissioner Nafis noted that there had also been comments about a potential conflict of interest with allowing members of the Board of Fire Commissioners to serve as active members of the Fire Department and noted that appeals from volunteers go before the Fire Commissioners and noted that there is a possibility that a volunteer who is also on the Board could make an appeal to himself. Commissioner Boorman also noted that it is possible that a Fire Commissioner can be a lower-level person in the volunteer structure and would have to take orders from someone higher in the structure and inquired how that would work. Mayor Wright stated that when a volunteer firefighter who is also a Fire Commissioner is at the scene of a fire he is acting as a firefighter and would follow the appropriate chain of command. Commissioner Boorman noted that the issue is in instances of discipline or direction from a Captain to a volunteer who is also a Fire Commissioner. Commissioner Nafis requested to have a Fire Commissioner or a high ranking official in the Fire Department address the Commission on these items.

Commissioner Bafundo indicated that she would have to leave the meeting and requested to discuss the upcoming meeting schedule. The Commissioners agreed to do so. Commissioner Bafundo noted that the Commission is scheduled to meet on October 16 and October 23 and stated that she will not be able to attend the October 16 meeting due to family obligations. Mayor Wright noted that Thursday, October 9 is Yom Kippur. The Commission discussed alternate dates to meet in lieu of the October 16 meeting, and agreed to still meet on October 23 as scheduled. Mayor Wright noted that the Commission has finished its initial review of the Charter and suggested scheduling a meeting on October 2 to review the changes to the Charter, meeting again on October 16 for further review and then holding two public hearings on October 23 - one in the afternoon at the Senior Center and one in the evening at the Town Hall. Commissioner Boorman disagreed with the suggestion and noted that the Commission does not even have a first draft of the entire Charter yet. He stated that he does not know if he is available to meet next week and stated that he is unsure why the process has to move so quickly. Mayor Wright noted that there was only one meeting in the month of August and suggested that the third meeting in October would simply serve as a replacement meeting. Commissioner Nafis remarked that no one has yet to explain to him why there is such a rush to finish. He stated that the Commission has moved along well and stated that the two weeks between meetings gives the Commissioners

time to prepare. He noted that there are a number of issues that still need to be addressed and many items for Atty. Clark to research and stated that he would prefer to have time to read the materials and prepare for the meetings. He indicated that there is still much to be discussed just in regards to the budget referendum. Commissioner Nafis stated that he does not have a problem rescheduling the October 16 meeting but stated that he is against having a third meeting and against setting a public hearing date without having a document that the Commissioners agree upon. Mayor Wright commented that while he respects Commissioner Nafis' opinion it is his opinion that the Commission can get the work done and move the schedule along. He noted that the Commission has held roughly twenty meetings and stated that he doesn't see a problem with picking up the pace. Commissioner Nafis inquired as to why the Commission has been rushed to get through the process. Mayor Wright replied that the April deadline is the outside deadline and there is nothing that states that the work can't be finished sooner. He stated that there have already been numerous debates about the key issue, the budget referendum, and he stated *that some people might suggest that people are just trying to slow this down from a filibuster perspective*. Commissioner Nafis replied that *some people might suggest that some people might be trying to rush this through so that we don't deliberate things properly*. Commissioner Bafundo interjected and requested that the Commissioners look at their schedules and determine if they are available to meet on Tuesday, October 7 in lieu of the October 16 meeting and let Ms. Lane know in order to coordinate the meeting. The Commissioners agreed to do so.

Commissioner Bafundo turned over the Chair to Commissioner Boni and exited the meeting at 9:17pm.

E Discussion – as time allows, proposed language for Charter revision Re: Budget Referendum

(no discussion)

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Boorman distributed an article from the Hartford Courant dated September 23, 2008 entitled "Injecting Chaos into Democracy" by Rick Green. He read excerpts from the article: (The complete article is attached.)

Supporters want such a convention to amend the constitution to allow for something called "direct initiative," whereby citizens could petition to force a vote on pretty much anything they want. I will admit that this let's-vote-on-it thing appeals to my inner I grew up in Vermont in the 1970s populism. Shouldn't we vote on the things that matter? Isn't that the point of democracy? It's just that I'm not sure the answer is creating a new system where we vote on everything. This would be good news for pot smokers, gay -marriage opponents, anti tax crusaders and gadflies who want referendums on any of their pet issues. But there is a good reason we are a long way from California, where they are bogged down with endless recall votes, referendums and divisive debate about issues the government has no business getting involved with in the first place. These reformers want me to do the job of our elected officials? I don't know about you, but I barely have time to read the paper, clean the garage, watch "Mad Men" and get to school curriculum night.

Commissioner Boorman commented that these comments remind him of similar comments made by Rose Lyons, a Town Resident who honestly demonstrates that it is difficult to be able to do the jobs of elected officials. Commissioner Boorman continued with the article:

So I started to feel squirrely about my populism when I stumbled into a press conference put on by the group pushing for the convention. Members kept saying this wasn't about special interests. So why was the director of the Family Institute of Connecticut (Google: Marriage Protection Pledge) up there at the front of the room? Then Matthew M. Daly, chairman of the Constitution Convention Campaign, started firing wildly, aiming his buckshot at a cross-section of our elected officials. My populism, it dawned on me, was not their populism. "The attorney general, our secretary of state, our treasurer and our comptroller did not have the guts yesterday to tell their constituents, to tell the voters of Connecticut, that they are against one man, one vote," Daly thundered. Later, when they were done alternately trashing the media and unions, I asked Daly — and the Republican state representatives

standing behind him, including Arthur O'Neill, Ruth Fahrbach and Al Adinolfi — if they really, honestly think our state's top constitutional officers are against the one-person, one-vote principal? Pushing my luck, I asked for a show of hands. My populist brothers and sisters did not like this. But at least O'Neill and Fahrbach indicated that maybe they didn't quite believe that the four Democrats they mentioned opposed the essence of our democracy. So did Peter "This is the people's opportunity" Wolfgang, executive director of the Family Institute. "I don't think Dick Blumenthal and the other constitutional officers think that they are against one man, one vote," Wolfgang said, a fact I confirmed later with a call to the attorney general. "But," Wolfgang added, "they do not want the people to have direct say over their laws." What Wolfgang, O'Neill, Daly and the other faux populists behind this constitutional convention aren't telling you is that this is all about special interests and handing them the right to ram their various agendas down our throats. They want to bring us endless — and costly — referendums on everything from abortion to gay marriage to eliminating teacher unions to medical marijuana.

Commissioner Boorman noted that while he is not suggesting that this is what the Town is doing with the budget referendum he did suggest that the statement "this is all about special interests and handing them the right to ram their various agendas down our throats" is pertinent to the Commission's discussions. Commissioner Boorman continued with the article:

Maybe I'm just more of a conservative than a populist. I want our legislators to do the work they were elected to do, which is pass laws and approve a state budget. If I don't like what they do, I'll vote against them on [Election Day](#).

Commissioner Boorman noted that the Town is in the situation in which the voters can vote in candidates every two years versus voting every year on a budget referendum. (Comments in this section are verbatim until further noted) Commissioner Boorman: I'd like to state again for the record that in all the months that we've been sitting here and all the meetings that we've had there hasn't been one decent reason that's been proposed by anybody at this table or anyone that has come before this table to say that we should take this step. I am adamantly opposed to this. I started off on this Commission not thinking it was a good idea but now I am more firmly convinced that this is the wrong step for the Town of Newington. It reintroduces to this Town a more political fervor, which recent elections in my opinion have already had. It also sets up undoubtedly a dictatorship of a small minority of people that will be able to swing what our budget votes are instead of putting the trust to the people we elect. Once again I will repeat – that if you don't like what they do you can turn them out every two years. So once again, before we're done I will be discussing and making motions relative to addressing this entire issue of whether we should have a budget referendum but also if we are going to be forced into that situation, at least suggesting alternatives to make it more palatable in accordance with what Myra Cohen said to us earlier tonight: all these speakers, all these people with expertise, whether they have operated our Town or otherwise that essentially indicate that it is problematic to go in the direction of having a budget referendum. If you're going to do it, by all means try to degut as much of it as possible so it doesn't turn out to be the problem that we all know it's going to be. I continue to start from the position that it is inappropriate, that it's a mistake for the Town to do it, this is not what Newington is all about, this is not what the character of Newington is and I think that it is a mistake for it to come out as a recommendation from this body. Mayor Wright: I read the article as well - and it is just an opinion. I take exception to the fact that you characterized the fact that there haven't been any "decent" reasons for having a budget referendum. That's your opinion and I think there is an opinion contrary to that. I respect your opinion and I'm sure you respect our opinion also. This is something that reasonable people can disagree about, just as Constitutional convention. When it comes to initiatives, as discussed in this article, the State of Connecticut is in the minority on that. There are only 19 states in the Country that do not allow there to be direct voter initiatives. We are in the minority. Massachusetts has this ability – its not just way out on the west coast. California was one of the first that allowed direct voter participation in that way. I think it's a great idea, personally, and it's something that we laid out to the people when we ran for office and it's a policy we're moving through here. You see that reflected in what we told the people in the three point pledge and what I promised to the people along with my team. We signed that pledge and the language you see brought forth in this recommendation in the referendum language and the three-percent property cap is exactly what we promised people and we're doing that. Ultimately the people are going to have the right to vote on this. It goes through the Town Council and people are going to have the right to say they disagree with this or they agree with this. In my opinion that is the democratic process – one person, one vote. You can say that its special interest and I would disagree with you. Everyone has the opportunity to come out and vote who is a registered voter. Less than half the people

come out to vote for elected officials on a municipal level. Does that mean that it's a special interest group? I would have to disagree with that. I'm not sure at this point, since you are asking to enter this into the record, does that mean that everyone should start bringing op-eds and opinion pieces in to enter into the record?

Commissioner Boorman: I hope that you or anyone else who sits on this body that thinks they have something pertinent to bring in, whether it is an op-ed piece or any other writing would bring it in, which would educate and try to enlighten all of us and bring information to the people through the TV or otherwise. So absolutely. And, I am getting a little tired of you arguing, quite frankly, that this is my opinion, this is your opinion. Alan (Nafis) did express his opinion a little earlier and guess what, that's what we all do here. The idea is to express opinion and I do respect your opinion and everyone else's opinion. It is not a valid argument to say, "that's your opinion and therefore we are going to dismiss it" and that is the argument that you make for a budget referendum. You do make reference to this three-point pledge over and over that you Republicans signed. I'd like to inquire of the Republicans that sit on this body, if they are willing to tell us if they signed the three-point pledge or not before they were appointed to this Commission. Commissioner Briggaman: I didn't sign anything.

Commissioner Boni: I did sign the pledge. Commissioner Boorman: Mayor, we know you signed it. Mayor Wright: Commissioner Bafundo did not sign the pledge. Commissioner Boorman: I have some problem with that notion in terms of coming to sit on a Commission where we all sat at the beginning of this indicating that we are going educate ourselves on the issues and having an open mind relative to what we are going to do here, and having already executed some kind of document that says you've already pledged to do this I find to be somewhat disturbing. (End of verbatim comments. Verbatim comments from this point forward are indicated by *italics* unless otherwise noted.)

VIII WRITTEN COMMUNICATION FROM THE PUBLIC - (none)

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen inquired whether the Commission intends to leave in the language regarding tax anticipation notes in section 812 while removing the language in section 407.

Atty. Clark replied that section 812 leaves it on the table in case the Council wants to authorize it.

Commissioner Nafis indicated that the Commission is removing the language from section 407. Mayor Wright noted a point of order that there should not be dialogue during public participation. Mrs. Cohen recommended that if the plan is to hold a public hearing at the Senior Center the Commission should coordinate with the Senior Center as it has a very active schedule of events. Mrs. Cohen noted that the discussion regarding dates and numbers in Article VIII of the Charter is putting the cart before the horse because the Commission has not finished discussing the budget referendum. She also expressed disappointment that while the Commission has listened to some of her comments pertaining to other sections of the Charter her comments pertaining to budget referendum have gone nowhere. She noted that there was no discussion under the budget referendum portion of the agenda. Mrs. Cohen stated that she signed the three-point pledge. (Mayor Wright exited the room) *I signed it, but what I signed was that the Council would come up with a three percent limit on our budget. I also agreed to a Charter revision. I don't know where I ever agreed on a three-percent cap on a budget referendum. So, while I did sign something, although not necessarily joyously, I never agreed, and I don't know that we even discussed that in the Charter revision we would be discussing a referendum that would have a mandated three-percent cap. The three-percent, as I understood it, was what we would do when the Council is working on the budget – which is fine. That's a good goal for the Council, but putting in a budget referendum is an altogether different issue. I feel that there has been no discussion; and I'm glad this will come up eventually but so far there has been no discussion. This is the one version that was presented to us. Two referendums – that hasn't been discussed. Why two and not one? A petition or automatic – that hasn't been discussed. Maybe I can already see the outcome of what that will be but I certainly think...* (Mayor Wright rejoined the meeting) *I know what I signed and I'm sorry Mr. Mayor but I don't think anywhere it says there will be a budget referendum with a three-percent cap - in anything that I agreed to. Thank you.*

Carol Anest, 30 Harding Avenue: **As a resident of Newington these statements are my own opinion (added at 10-7-08 meeting at request of Comm. Nafis).** Ms. Anest stated that she has been watching the meetings and remarked that she is thoroughly disgusted with the way that things are being done. She remarked that she and a lot of other people feel that no matter what they say in front of *you, you don't care. Your agenda is to have a budget referendum in the Charter and that is all you care about.* Ms. Anest remarked that the Commission is not listening to comments about the Fire Department, the Fire Commission and the conflict of interest. She stated that there is a definite conflict and commented that the Commission is not going

to get anyone from the Fire Department or the Fire Commission to come forward to speak because they are afraid to tell the truth. She implored the Commission to listen to what the residents of the Town are saying. She noted that the argument is that there is not a conflict so why change it and inquired if there is no problem with the way our budget is being handled now then why change it. She urged the Mayor to give a little respect to the Town of Newington. *They put you in office and if they don't like what you are doing you are out in two years. That is where the referendum comes to play.*

X COMMENTS BY COMMISSIONERS

Commissioner Nafis remarked that there is still much discussion to be had regarding the budget referendum and noted that he has a list of at least thirteen amendments that he would like to bring to vote. He explained that he did not discuss the topic at the current meeting because he wanted to wait until there is the opportunity to have the time available to hold the discussion and he wanted to have Commissioner Bafundo at the meeting for the discussion. He stated that the discussions will occur prior to the public hearings.

Commissioner Boorman stated that he also has grave concerns regarding the budget referendum and noted that he has listened to Mrs. Cohen's comments and stated that it is important for the people of the Town to hear what the arguments are – pro and con. He stated that this is not a delaying tactic as has been whispered under the breath and said outright by certain members of the Commission and stated that it is the correct process to hear issues. Commissioner Boorman stated that he will look to join Commissioner Nafis in addressing issues regarding the budget referendum. He thanked Ms. Anest for her comments as they gave him some indication as to why members of the Fire Commission might hesitate to speak to the Commission and indicated that he will take that into account as he considers the issue.

Mayor Wright commented that it is not a matter of the Commission not listening to members of the public as the Chair of the Democratic Party Carol Anest has said. He stated that just because the Commission does not agree with comments does not mean that it is not listening. Mayor Wright read portions of the Republican's three-point pledge:

Therefore, we the Republican candidates for the Newington Town Council under the leadership of Mayoral Candidate Jeff Wright, in order to secure Newington's future pledge to you that when elected we will:

1. Limit annual tax increases to no more than three percent. Taxes are too high already and raising them is always the last resort, not the first. We will manage the Town budget to get our finances under control. You run your house on a budget; shouldn't the government do the same?
2. Create a budget referendum that encourages our residents to participate in our government. This will give you, the taxpayer, the power to control the Town's budget. You should never have to worry about politicians spending your money without your knowledge. This will ensure that the will of the residents will be reflected in the Town's annual budget.

Mayor Wright stated that the pledge was signed by himself, Tony Boni, Jay Bottalico, David Nagel, Mike Lenares and Myra Cohen.

Commissioner Boorman requested that a copy of the pledge in its entirety be included as part of the record (attached) and also be included as part of the next meeting's packet.

XI ADJOURNMENT

Commissioner Boorman moved to adjourn the meeting at 9:43pm. Motion seconded by Commissioner Nafis. Motion passed 4-0 (Commissioner Bafundo absent for vote).

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission

